

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WELLONS, INC., an Oregon corporation,

Plaintiff,

v.

SIA "ENERGOREMONTA RIGA",
LTD., a Latvian limited liability company,

Defendant.

CASE NO. 3:13-cv-05654-RJB

ORDER DENYING MOTION FOR
RECONSIDERATION

This matter comes before the Court on Defendant's Motion for Reconsideration and Alternative Motion to Certify Order for Interlocutory Review. Dkt. 17. The Court will address Plaintiff's Motion to Certify in a separate order. The Court has reviewed the motion and the remainder of the file herein.

On September 20, 2013, the Court denied Defendant's Motion to Dismiss for Lack of Personal Jurisdiction, Forum Non Conveniens, or Comity. Dkt. 16. On October 4, 2013, Defendant filed a motion to reconsider. Dkt. 17.

1 **Legal Standard.** Pursuant to Local Rules W.D. Wash. CR 7(h)(1), motions for
2 reconsideration are disfavored, and will ordinarily be denied unless there is a showing of (a)
3 manifest error in the ruling, or (b) facts or legal authority which could not have been brought to
4 the attention of the court earlier, through reasonable diligence. The term “manifest error” is “an
5 error that is plain and indisputable, and that amounts to a complete disregard of the controlling
6 law or the credible evidence in the record.” *Black's Law Dictionary* 622 (9th ed. 2009).

7 Reconsideration is an "extraordinary remedy, to be used sparingly in the interests of
8 finality and conservation of judicial resources." *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d
9 877, 890 (9th Cir. 2000). "[A] motion for reconsideration should not be granted, absent highly
10 unusual circumstances, unless the district court is presented with newly discovered evidence,
11 committed clear error, or if there is an intervening change in the controlling law." *Marlyn*
12 *Natraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 880 (9th Cir. 2009). Neither
13 the Local Civil Rules nor the Federal Rule of Civil Procedure, which allow for a motion for
14 reconsideration, is intended to provide litigants with a second bite at the apple. A motion for
15 reconsideration should not be used to ask a court to rethink what the court had already thought
16 through — rightly or wrongly. *Defenders of Wildlife v. Browner*, 909 F.Supp. 1342, 1351 (D.
17 Ariz. 1995). Mere disagreement with a previous order is an insufficient basis for
18 reconsideration, and reconsideration may not be based on evidence and legal arguments that
19 could have been presented at the time of the challenged decision. *Haw. Stevedores, Inc. v. HT &*
20 *T Co.*, 363 F.Supp.2d 1253, 1269 (D. Haw. 2005). “Whether or not to grant reconsideration is
21 committed to the sound discretion of the court.” *Navajo Nation v. Confederated Tribes & Bands*
22 *of the Yakima Indian Nation*, 331 F.3d 1041, 1046 (9th Cir. 2003).

1 **Discussion.** The Defendant argues that the finding of purposeful availment is at odds
2 with the law and the record; that Plaintiff's claim did not arise out of Defendant's contact with
3 Washington; that the Court's conclusion regarding the reasonableness of exercising personal
4 jurisdiction over the Defendant rested on an erroneous interpretation of the record; and that every
5 *Forum Non Conveniens* factor weighs in favor of Latvia. The Defendant has not presented the
6 Court with newly discovered evidence, shown that clear error has been committed, or that there
7 has been an intervening change in the controlling law. Defendant states that the Court's
8 reasonableness determination rested on an "erroneous interpretation of the record," but the
9 arguments in support of that statement are all arguments that the Court evaluated and addressed
10 in the order denying Defendant's Motion to Dismiss. Plaintiffs have not made the requisite
11 showing for reconsideration under CR 7(h)(1). Therefore, Plaintiff's motion for reconsideration
12 should be denied.

13 Therefore, it is hereby

14 **ORDERED** that Defendant's Motion for Reconsideration (Dkt. 17) is **DENIED**.

15 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
16 to any party appearing *pro se* at said party's last known address.

17 Dated this 18th day of October, 2013.

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20 ROBERT J. BRYAN
21 United States District Judge
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